

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO
VIOLATION OF SUPERVISION PROCEEDINGS
MINUTE SHEET

CR No:	CR 19-0077 JB	USA vs.:	Nissen
Date:	1/18/2022	Name of Deft:	Michael Nissen

Before the Honorable James O. Browning

Time In/Out:	1:27 pm – 2:18 pm	Total Time in Court (for JS10):	51 Minutes
Clerk:	L. Rotonda	Court Reporter:	J. Bean
AUSA:	Paul Mysliwiec/Alex Uballez	Defendant's Counsel:	Ashley Reymore-Cloud (appointed)
VSR in:	Albuquerque	Interpreter:	n/a
Probation Officer:	Camilla Duarte	Sworn?	<input type="checkbox"/> Yes <input type="checkbox"/> No

ADMISSION OR DENIAL OF PETITION'S ALLEGATIONS

x	Defendant sworn
x	Court advises Defendant of his/her rights
x	Court advises of charges and possible penalty
x	Defense Counsel advises that Defendant intends to deny alleged violations of SC, SPC
x	AUSA proffers evidence as to alleged violations.
x	Court finds violations of SC, SPC occurred
x	Court proceeds to sentencing on violations

SENTENCE IMPOSED		Imprisonment (BOP): 3 months			
Supervised Release:	24 months	Probation:			500-Hour Drug Program

SPECIAL CONDITIONS OF SUPERVISION

<input type="checkbox"/>	No re-entry without legal authorization	<input type="checkbox"/>	Home confinement for months days
<input type="checkbox"/>	Comply with ICE laws and regulation	<input type="checkbox"/>	Community service for months days
<input type="checkbox"/>	Participate in/successfully complete substance abuse program	<input type="checkbox"/>	Reside halfway house months
<input type="checkbox"/>	Participate in/successfully complete mental health program	<input type="checkbox"/>	Register as sex offender
<input type="checkbox"/>	Refrain from use/possession of alcohol/intoxicants	<input type="checkbox"/>	Participate in sex offender treatment program
X	Submit to search of person/property	<input type="checkbox"/>	Possess no sexual material
<input type="checkbox"/>	No contact with victim(s) and/or co-defendant(s)	<input type="checkbox"/>	No computer with access to online services
<input type="checkbox"/>	No entering or loitering near victim's residence	<input type="checkbox"/>	No contact with children under 18 years
<input type="checkbox"/>	Provide financial information	<input type="checkbox"/>	No volunteering where children supervised
<input type="checkbox"/>	Waive right of confidentiality and allow the treatment provider to release treatment records	<input type="checkbox"/>	Restricted from occupation with access to children
<input type="checkbox"/>	No new credit charges	<input type="checkbox"/>	No loitering within 100 feet of school yards
<input type="checkbox"/>	Reside at/complete Residential Reentry Center	<input type="checkbox"/>	Consent to USPO conducting periodic exam of computer
<input type="checkbox"/>	Attend education/vocational training	<input type="checkbox"/>	Consent to USPO installing monitoring hardware
<input type="checkbox"/>	Must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning, whether or not intended for human consumption.	<input type="checkbox"/>	No loitering within 100 feet of school yards
<input type="checkbox"/>	Must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia, as defined in 21 U.S.C. 863(d).	<input type="checkbox"/>	If defendant is unemployed - Must participate in an educational or vocational services program and follow the rules and regulations of that program
X	OTHER: You must submit to substance abuse testing to determine if you have used a prohibited substance. Testing shall not exceed more than 60 test(s) per year. Testing may include urine testing, the wearing of a sweat patch, and/or any form of prohibited substance screening or testing. You must not attempt to obstruct or tamper with the substance abuse testing methods. You may be required to pay all, or a portion, of the costs of the testing.		

	<p>You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You may be required to pay all, or a portion, of the costs of the program.</p> <p>You shall waive your right of confidentiality and allow the treatment provider to release treatment records to the probation officer and sign all necessary releases to enable the probation officer to monitor your progress. The probation officer may disclose the presentence report, any previous mental health evaluations and/or other pertinent treatment records to the treatment provider.</p> <p>You must not communicate, or otherwise interact, with any known gang member, Sovereign Citizen, or anti-government organization.</p> <p>You must not threaten or harass any individual or entity, through written, verbal or electronic communications.</p>		
X	Advised of Right to Appeal		Waived Appeal Rights per Plea Agreement
X	Remanded to custody of USM		Voluntary Surrender
	Recommended place(s) of incarceration:		
OTHER COMMENTS:		<p>1:27 PM Court calls case, counsel enter appearances. Court addresses Defendant, reviews underlying factual allegations related to violations of conditions of supervised release. 1:32 PM USPO confirms that revocation is not mandatory in present matter. 1:33 PM Court reviews applicable sentencing parameters. Defense Counsel advises that Defendant intends to plead not guilty. 1:33 PM AUSA Mysliwiec addresses Court. AUSA calls USPO Duarte as witness (sworn); questions USPO Duarte on direct examination. 1:46 PM Defense Counsel examines USPO Duarte on cross examination. 1:49 PM Court excuses witness. 1:49 PM AUSA addresses Court regarding taking judicial notice of the fact that Defendant is the same individual who appeared before Court in trial. Defense Counsel indicates defers to Court. Court takes judicial notice as to same. 1:52 PM Defendant addresses Court. 1:53 PM AUSA addresses the Court. 1:55 PM AUSA argues in support of factual allegations set forth in Petition. 1:56 PM Defense Counsel addresses Court regarding Defendant's refusal to sign documents, requests that Court consider alternative living arrangements. 1:58 PM Court finds that Defendant has violated Standard Condition of conditions of supervised release. Court makes further findings. Court finds that Defendant violated Special Condition of supervised release. 2:00 PM Defense Counsel addresses Court regarding requested sentence. 2:01 PM AUSA addresses Court regarding position as to appropriate disposition of case. 2:05 PM Court consults with USPO Duarte. 2:08 PM Court states proposed sentence. 2:17 PM AUSA addresses the Court. Court imposes sentence as stated. 2:18 PM Court reviews Defendant's appeal rights, directs Defense Counsel to inform Defendant of same.</p>	